



Criminal History Background Check For all SMHS Health Professional Students

Section: 3
Policy number: 3.4
Responsible Office: Student Affairs and Admissions
Issued: 07.15.14
Latest Review: 6.6.2021

POLICY STATEMENT

Criminal background checks (CBCs) are required for all School of Medicine and Health Sciences (SMHS) medicine and health professional students prior to matriculation, clinical assignment and/or returning from a leave of absence (LOA).

REASON for POLICY

This policy provides procedures for a criminal background check for medical students and health sciences students. The SMHS requires a CBC of students in all health-related programs prior to matriculation and/or clinical assignment. It is essential that the professional program be able to document a CBC for students when requested by a hospital, clinic, and other non-UND training site. Professional programs that require a CBC prior to matriculation and/or clinical assignment include: Athletic Training; Medical Laboratory Science; Medical Education; Occupational Therapy; Physical Therapy; Physician Assistant Studies; and Public Health. This policy does not apply to SMHS students in the biomedical sciences and clinical & translational sciences programs. The biomedical sciences and clinical & translational sciences students will follow the UND School of Graduate Studies requirements for a CBC if needed.

SCOPE of POLICY

This policy applies to:

√Deans, Directors, and Department Heads

√Managers and supervisors

√Students

Others:

√Faculty

√Staff

WEB SITE REFERENCES

Policy Office: <http://www.med.und.edu/policies/index.cfm>

Responsible Office: <https://med.und.edu/student-affairs-admissions/index.html>

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DEFINITIONS

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| BRC | Background Review Committee |
| Criminal Background Check (CBC) | An inquiry about an individual conducted by or on behalf of the University of North Dakota, using generally reliable resources and methodologies, and performed consistent with policies and procedures of the North Dakota State Board of Higher Education and North Dakota University System, that may utilize any combination or all of the following databases: FBI, fraud & abuse control information systems (FACIS), national criminal databases, national sex offender public registry, national ID Trace, and state specific databases |
| Criminal History Information (CHI) | Information collected by criminal justice agencies on individuals, and revealed in the course of a Criminal Background Check, consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other criminal charges, any dispositions arising therefrom, sentencing, correctional supervision, and release. |
| Students | Any undergraduate, graduate, and professional student accepted for admission, matriculated, and/or enrolled in one of the following SMHS professional programs: Athletic Training; Medical Laboratory Science; Medical Education; Occupational Therapy; Physical Therapy; Physician Assistant Studies; and Public Health. This policy does not apply to students in the biomedical sciences and clinical & translational sciences, residents, or fellows. |
| SMHS | School of Medicine and Health Sciences |
| FERPA | Family Educational Rights and Privacy Act |
| Leave of absence (LOA) | An absence from the program. The definition is determined by each department/program |
| Interruption in enrollment | The definition shall be determined by each department/program |

RELATED INFORMATION

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| North Dakota University System (NDUS) policy | https://med.und.edu/about/policies/_files/docs/3.4-criminal-history-background-check-policy-6.4.2021.pdf |
| SMHS Retention Policy | https://med.und.edu/about/administration-finance/records-and-information-management/_files/docs/smhs-retention-schedule-june2023.pdf |

CONTACTS

General questions about this policy can be answered by your department's administrative office. Specific questions should be directed to the following:

| Subject | Contact | Telephone/FAX | Email contact |
|----------------------|-----------------|-------------------|--|
| Policy clarification | Student Affairs | 777.4221/777.4942 | saa@und.edu |
| Policy format | Dean's Office | 777.2514/777.3527 | judy.solberg@und.edu |

PROCEDURES

I. Students

- a. All students are required to initiate and complete a CBC prior to enrollment in a professional program and/or placement in any clinical assignment. The CBC is a condition of the student's admission, clinical assignment, and/or continued enrollment in the professional program.
- b. It is the affirmative responsibility of all students to inform the associate dean for student affairs & admissions and/or the student's respective department chairperson/program director of any disciplinary or criminal activity that occurs during the student's enrollment in the professional program, regardless of whether a previous CBC has been performed or whether a future CBC is anticipated.
- c. In addition, students are required to respond to SMHS department requests for a supplemental questionnaire documenting behaviors prior to enrollment, or re-enrollment, in a SMHS health professional program.
- d. Students on a leave of absence (LOA) are subject to the same rules of self-reporting any disciplinary or criminal activity as an enrolled student.
- e. Students who have an interruption in enrollment must undergo a CBC prior to re-enrollment as determined by the department/program.
- f. Failure of a student to submit a CBC or requested supplemental documentation will suspend the process of matriculation, assignment to a clinical or fieldwork experience, and/or returning from a leave of absence (LOA).
- g. The CBC does not have to be part of the program application; however, the results of the CBC must be reviewed and approved by the program or department prior to matriculation and/or clinical assignment. The Background Review Committee (BRC) must review and provide a recommendation for all CBCs that demonstrate criminal history information (CHI).
- h. Final acceptance into the program may be contingent upon the outcome of the CBC. In addition, an updated CBC may be required by a clinical site prior to the start of a clinical assignment.
- i. If a CBC reveals CHI, matriculation into the professional program will only be granted after review and a recommendation from the BRC. The final matriculation decision resides with the appropriate department/program committee and/or department chairperson/program director. Self-reported information not corroborated by CHI shall be evaluated on a case-by-case basis, and may be referred to the BRC.
- j. Upon the request of a department/program, a CBC revealing CHI may be referred to the BRC for a recommendation prior to the student's clinical site placement and/or return from an LOA.
- k. Prospective and current students with CHI will be given the opportunity to review the results of the CBC and an opportunity to challenge the results if they so choose. CHI challenges must be received in writing within 10 business days from initial student notification by the associate dean for student affairs & admissions or the respective department chairperson/program director.

II. CBC Review

- a. The initial results of the CBC will be reviewed by the associate dean for student affairs & admissions for medical students. For students in the health sciences, the department chairperson/program director and the director of clinical education/fieldwork coordinator will initially review the CBC results.
- b. If no CHI is observed during the CBC, the associate dean for student affairs & admissions for medical students OR chairperson/director of clinical education/fieldwork coordinator for the health sciences programs may approve the background check.

- c. A CBC that reveals CHI will halt matriculation into the professional program, clinical site placement, and/or return from an LOA.
- d. Prospective and current students with CHI will be notified of the results and given the opportunity to review the results of the CBC. Students have an opportunity to challenge the CBC results in writing within 10 business days of the initial notification of CHI.
- e. If the results of the CBC go unchallenged or unchanged, the CBC will be reviewed by the BRC. The BRC has the right to request additional information from the student being reviewed. The BRC may render a recommendation electronically to the associate dean for student affairs and admissions, appropriate department/program committee, and/or the department chairperson/program director.

III. Background Review Committee (BRC)

- a. The BRC will be comprised of one voting faculty member from each of the departments and programs affected by the policy and the associate dean for student affairs and admissions.
- b. The BRC will include a representative from UND's General Counsel Office as a non-voting member.
- c. The BRC will be chaired by the associate dean for student affairs and admissions or in their absence, the associate dean for health sciences.
- d. If a BRC member other than the chair has a conflict of interest, the individual will recuse themselves from the discussion and decision-making process. If a designated chair has a conflict of interest, the Dean of SMHS shall appoint a substitute.
- e. The BRC will meet as needed to consider CHI and/or self-reported CHI and make recommendations to the appropriate department/program committee and/or department chairperson/program director for a final review and decision on matriculation.
- f. Upon request of a department/program, the BRC will meet as needed to consider CHI and/or self-reported CHI and make recommendations for a final review and decision on continuation in the professional program.
- g. Students may be asked to submit additional information regarding the results of the CBC or any self-reported information. The BRC, department, program, or associate dean of student affairs and admissions may ask for additional information, including release of information regarding sanctions from previous educational settings.
- h. The CBC, self-report(s), and supplemental materials from the student, if any, will be presented to the BRC by the faculty representative from the affected department or program. The representative will provide the application and admission data for each prospective student with CHI or self-reported information for discussion and recommendation of admission status or enrollment in the program. The CBC review process is the same when CHI is revealed or self-disclosure is made after admission and matriculation and the department/program requests a review by the BRC (See III.f.).
- i. The BRC will make recommendations to the appropriate department/program committee and/or department chairperson/program director. The final decision to rescind admission, deny matriculation, terminate continuation in the professional program, and/or deny placement in a clinical experience/fieldwork resides with the appropriate department/program committee and/or department chairperson/program director.
- j. The associate dean of student affairs and admissions, department chair, or program director of the student's educational program will notify the student in writing of the BRC recommendation and the program or department's decision. The written decision may be delivered by electronic means.
- k. The results of the CBC and any self-reports will become part of the student's record and are protected by the Family Educational Rights and Privacy Act (FERPA). For those that are not admitted, the CBC results and any self-reports will be retained according to the SMHS records retention schedule.

- I. The student may petition the decision of the program/department by following the procedures outlined in the SMHS Grievance Policy.
- IV. Students with CHI who are admitted to a professional program must be informed that admission to the professional program does not guarantee that clinical facilities will allow them to begin a clinical assignment. The inability of a student with CHI to obtain a clinical assignment may prohibit the student from completing the program. Inability to complete the program will result in dismissal from the program. Additionally, students with CHI admitted to a professional program must be informed that CHI may impact their opportunity for professional licensure and employment.

RESPONSIBILITIES

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| Student | <p>Initiate, and provide reasonable cooperation with, the CBC process and check with the Program for any additional or different procedures or timing commitments.</p> <p>Inform the associate dean for student affairs and admissions and/or respective department chairperson/program director of any disciplinary or criminal history information that occurs after notification of acceptance, or during enrollment, into the professional program or during a student LOA if applicable, , regardless of whether a previous CBC has been performed or whether a future CBC is anticipated.</p> |
| SMHS Background Review Committee (BRC) | Review CBC results and self-reports and make recommendations to the respective department/program committee, chairperson, or director for a final decision. |
| Associate Dean for Student Affairs and Admissions | Chairs the SMHS Background Review Committee (BRC). Provides the recommendation from the BRC to the respective department/program committee, chairperson, or director for a final decision. |

FORMS

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| CBC Additional Information Request | See page 7 |
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REVISION RECORD

06.28.21—FC Approved
 06.28.21—Dean Approved
 08.01.19—Minor Edits

Criminal Background Check – Additional Information Request

Name (Print) _____ Last 4 digits of SSN _____

Description of Offense/Incident _____

Please provide the following information regarding the incident listed above:

1. Please verify that you were the person involved in the incident identified:
2. Date(s)(approximate, if necessary) the incident occurred:
3. Your age at the time of the initial incident/offense:
4. What was the charge(s) filed against you? (e.g., misdemeanor, felony etc.)
5. What was the sentence you received? (e.g., fine, probation, deferred imposition, diversion, etc.)
6. What was the final outcome of the incident and legal proceedings?
7. Have you had any additional charges filed against you related to this incident or any other actions?
8. Have you had any institutional (e.g., university or college) actions taken against you related to this incident or any other actions?
9. Please explain any circumstances giving rise to the incident; the personal impact from the incident or outcome; and any steps you have taken to remedy this situation.

After completing the above information, you may email the form to james.porter@und.edu